REMARKS

This amendment is responsive to the Office Action of September 28, 2007. Reconsideration and allowance of the claims 1-11 are requested.

The Office Action

Claims 1-10 stand rejected under 35 U.S.C §103(a) as being unpatentable over Helal (U.S. Patent No. 7,155,202).

The References of Record

Helal discloses a system that includes a portable communication device (PCD) **200** that has both short range and long range (telephony) capabilities. Helal uses the long range portion to transmit information back and forth from a communications network **305**. Helal uses the short range transmitter to communicate with RFID mechanisms **140** or other components or sensors. (col. 6, lines 4-9) As the PCD **200** is meant to travel with a patient to their home, or other off-site locale, only the long range antenna **155** is used to communicate with the network.

The Present Application

The present application includes a wireless device **1** that has both short range and long range communications technologies built in. The device **1** uses a short range connection **2** to communicate with a patient monitor **3** or other device whenever one is in range. The monitor **3** relays the communication to a server **5** via a hard line **4**. If the device **1** strays to the fringe of the short range technology, the device engages a long range communication **7** to communicate with the server **5** via a wireless antenna **6**. The short range connection **2** is preferred whenever possible, as a better connection that draws less power can be achieved than if using the long range connection **7**. Thus, whenever the short range connection **2** is available, it is used, and the long range connection **7** is suspended in favor of the short range connection **2**.

The Drawing

No indication was made as to the acceptability of the drawing. An indication of the same is earnestly solicited.

The Present Amendment

Claim 1 now calls for the short range and the long range technologies to transmit to the same network. Helal fails to show both technologies transmitting to the same network. The short range system in Helal transmits from the PCD **200** to periphery devices (sensors etc.) but always uses the long range technology to transmit back to the network **305**. In contrast, the present application uses the short range technology whenever a receiver is in range, and when the wireless device strays to the fringes of the range of the short range technology, it switches to the long range technology; but it uses both technologies to transmit to the server **5**. The present application offers alternative pathways to the same destination, whereas Helal uses the two different communication technologies for two different purposes.

Claim 1 further calls for a switch between the long and short range radio technologies automatically based on the quality of the short range link. Helal does not suggest such automatic switching, much less a preference for using the short range technology.

It is therefore respectfully submitted that **claim 1** and **claims 2-10** dependent therefrom now distinguish patentably and unobviously over the references of record.

Claim 6 now calls for communication via the short range radio technology to be carried out using stations of the receiving system that are spatially separated from stations of the long range radio technology. Helal fails to show this aspect. The Examiner cites the example of cellular towers. This example does not render claim 6 obvious because multiple cell towers are receiving stations for the same technology, i.e., the long range radio technology. This example does not reasonably suggest that the receiving station of the short range technology be separate from the receiving station of the long range technology, as called for in claim 6. It is therefore respectfully submitted that, though patentable by virtue of its dependence on claim 1, **claim 6** now further defines patentably and unobviously over the references of record.

Claim 7 calls for synchronizing transmitted data streams when switching between two radio technologies. Helal fails to show this aspect. The Examiner has

agreed that Helal does not show switching between two radio technologies (Office Action, page 2, under heading "Helal does not show"). Because Helal does not show switching between two communication technologies, it certainly does not show synchronizing transmitted data streams while switching between the technologies. It is therefore respectfully submitted that **claim 7**, although patentable by virtue of its dependence on claim 1, further defines patentably and unobviously over the references of record.

New **claim 11** has been added to present subject matter similar to **dependent claims 8-10** in independent form.

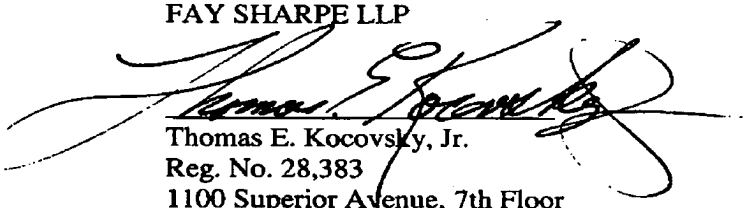
CONCLUSION

For the reasons set forth above, it is submitted that all claims distinguish patentably over the references of record and meet all statutory requirements. An early allowance of claims 1-10 is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP



Thomas E. Kocovsky, Jr.
Reg. No. 28,383
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2579
(216) 861-5582